



**Service of Process
Transmittal**

11/16/2021

CT Log Number 540598052

TO: Donna Shavers
Albertson's LLC
PO BOX 160066, 321 MONTGOMERY RD
ALTAMONTE SPRINGS, FL 32716-0066

RE: Process Served in Nevada

FOR: Albertson's LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: ROSE BOCCHIERI // To: Albertson's LLC

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # A21843259C

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 11/16/2021 at 12:24

JURISDICTION SERVED : Nevada

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 11/17/2021, Expected Purge Date: 11/22/2021

Image SOP

Email Notification, Michael McCue Michael.McCue@safeway.com

Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Risk Management Group RM.Claim.Support@Safeway.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

REGISTERED AGENT ADDRESS: C T Corporation System
701 S. Carson Street
Suite 200
Carson City, NV 89701
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

1 **SEI**2 **MARCUS A. BERG, ESQ.**

3 Nevada Bar No. 9760

4 marcus@mossberglv.com5 **JOHN C. FUNK, ESQ.**

6 Nevada Bar No. 9255

7 john@mossberglv.com8 **MOSS BERG INJURY LAWYERS**

9 4101 Meadows Lane, Suite 110

10 Las Vegas, Nevada 89107

11 Telephone: (702) 222-4555

12 Facsimile: (702) 222-4556

13 *Attorneys for Plaintiff*14 **DISTRICT COURT**15 **CLARK COUNTY, NEVADA**16 **ROSE BOCCHIERI,**

17 Plaintiff,

18 v.

19 **ALBERTSON'S, LLC, a Foreign Limited-**
20 **Liability Company; ALBERTSON'S DOE**
21 **MANAGER ("Nicholas"); DOE**
22 **EMPLOYEE; DOES II through X; and ROE**
23 **CORPORATIONS I through X, inclusive,**

24 Defendants.

25 **CASE NO. A-21-843259-C**
26 **DEPT. NO.**27 **SUMMONS**28 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
29 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN TWENTY ONE**
30 **(21) DAYS. READ THE INFORMATION BELOW:**31 **ALBERTSON'S, LLC**32 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you
33 for the relief set forth in the Complaint.34 1. If you intend to defend this lawsuit, within twenty one (21) days after this Summons is
35 served on you, exclusive of the day of service, you must do the following:

- 36 (a) File with the Clerk of this Court, whose address is shown below, a formal written
-
- 37 response to the Complaint in accordance with the rules of the Court, with the
-
- 38 appropriate filing fee.

(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have forty-five (45) days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

DATED this 26th day of October, 2021.

Respectfully Submitted By:

MOSS BERG INJURY LAWYERS



MARCUS A. BERG, ESQ.

Nevada Bar No. 9760

marcus@mossberglv.com

JOHN C. FUNK, ESQ.

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MOSS BERG INJURY LAWYERS

4101 Meadows Lane

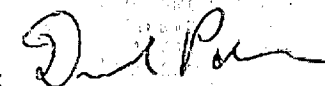
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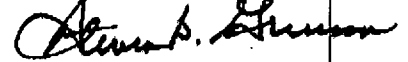
Attorneys for Plaintiff

STEVEN D. GRIERSON
CLERK OF COURT

By:  10/27/2021
Deputy Clerk Date

Demond Palmer

Electronically Filed
10/27/2021 12:03 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMP**

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13 *Attorneys for Plaintiff*

CASE NO: A-21-843259-C
Department 17

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 ROSE BOCCHIERI,

12 Plaintiff,

13 v.

CASE NO.

DEPT. NO.

14 ALBERTSON'S, LLC, a Foreign Limited-
15 Liability Company; ALBERTSON'S DOE
16 MANAGER ("Nicholas"); DOE
17 EMPLOYEE; DOES II through X; and ROE
18 CORPORATIONS I through X, inclusive,

19 Defendants.

COMPLAINT

20 Plaintiff, ROSE BOCCHIERI, by and through her attorneys, MARCUS A. BERG,
21 ESQ., and JOHN C. FUNK, ESQ., of the law firm of MOSS BERG INJURY LAWYERS, and
22 for her causes of action against Defendant, hereby alleges as follows:

23 1. That at all times relevant to these proceedings, Plaintiff, ROSE BOCCHIERI
24 was and is a resident of Clark County, Nevada.

25 2. Plaintiff is informed, believes, and thereon alleges that at all times relevant to
26 these proceedings, Defendant, ALBERTSON'S, LLC, (hereinafter referred to as Defendant,
27
28

1 "ALBERTSON'S"), was and is a Foreign Limited-Liability Company, organized and existing
2 pursuant to the laws of the State of Nevada, and authorized to do and doing business in Clark
3 County, Nevada as Albertson's #6018, located at 7151 West Craig Road, Las Vegas, Nevada
4 89129 (hereinafter referred to as "Subject Premises").

5
6 3. Plaintiff is informed, believes, and thereon alleges that at all times relevant to
7 these proceedings, Defendant, ALBERTSON'S DOE MANAGER ("Nicholas") (hereinafter
8 referred to as Defendant, "NICHOLAS"), was and is a resident of Clark County, Nevada.

9
10 4. That the true names and capacities, whether individual, corporate, associate or
11 otherwise of Defendants named herein as DOES I through X are unknown to Plaintiff who,
12 therefore, sues said Defendants by said fictitious names. Plaintiff is informed, believes, and
13 thereon alleges that each of the Defendants designated as DOES are responsible in some manner
14 for the events and happenings referred to herein, specifically for creating and/or allowing a
15 hazardous condition to exist on Defendant's premises, which caused damages proximately to
16 Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert
17 the true names and capacities of DOES I through X when the same have been fully ascertained
18 and to join such Defendants in this action. At all times mentioned herein, each Defendant was
19 acting as the agent, servant, and/or employee of each other Defendant.

20
21 5. That the true names and capacities, whether individual, corporate, associate or
22 otherwise of Defendants named herein as ROE CORPORATIONS I through X are unknown to
23 Plaintiff who, therefore, sues said Defendants by said fictitious names. Plaintiff is informed,
24 believes, and thereon alleges that each of the Defendants designated as ROE CORPORATIONS
25 are responsible in some manner for the events and happenings referred to herein, specifically for
26 creating and/or allowing a hazardous condition to exist on the Subject Premises, which caused
27 damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to
28

1 amend her Complaint to insert the true names and capacities of ROE CORPORATIONS I
2 through X when the same have been fully ascertained and to join such Defendants in this action.
3 At all times mentioned herein, each Defendant was acting as the agent, servant, and/or
4 employee of each other Defendant.
5

6 6. That on or about November 5, 2020, Plaintiff was a guest on the "Subject
7 Premises," commonly known as, ALBERTSON'S.

8 7. At that same time and place, Defendants so carelessly and negligently created,
9 owned, controlled, inspected, and/or maintained the Subject Premises in an unstable and
10 dangerous manner so as to allow a hazardous condition, to exist on Defendants' premises,
11 specifically, a broken glass jar of queso dip, where Defendants' were aware numerous
12 customers would be constantly walking, which, without proper warning of the hazard, caused
13 Plaintiff to slip and fall, and as a proximate result thereof, Plaintiff was seriously injured.
14

15 8. That as a direct and proximate result of the Defendants' and/or their
16 employee/agent's negligent acts and/or omissions and/or breach of duty, Defendants' forced
17 Plaintiff to encounter a dangerous condition by creating and/or leaving a broken jar of slippery
18 queso on the floor of Defendants' premises in a designated walkway, thereby causing Plaintiff
19 to slip and fall.
20

21 9. Defendants' and each of them, carelessly and negligently failed to warn of a
22 hazard with respect to the Subject Premises, thereby forcing Plaintiff to encounter a dangerous
23 condition on the Subject Premises, resulting in Plaintiff sustaining serious injuries and damages.
24

25 10. That as a further direct and proximate result of the negligence, carelessness, and
26 recklessness of Defendants, Plaintiff sustained severe and debilitating injuries to her hand, arm
27 and back, among others, all or some of which conditions may be permanent or disabling in
28 nature, causing general damages in an amount to be determined at trial.

1 11. This Court has subject matter jurisdiction over this matter pursuant to NRS
2 4.370(1), as the matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive
3 of attorney's fees, interest, and costs.

4 12. That as a further direct and proximate result of the negligence, carelessness, and
5 recklessness of Defendants, Plaintiff was required, and will be required in the future, to incur
6 expenses for medical care and treatment and costs incidental thereto in an amount to be
7 determined.

8 13. That as a further direct and proximate result of the negligence, carelessness, and
9 recklessness of Defendants, Plaintiff has incurred substantial out-of-pocket expenses, including,
10 but not limited to, money spent for prescriptions, medication, and uncovered medical expenses.

11 14. That as a further direct and proximate result of the negligence, carelessness, and
12 recklessness of Defendants, Plaintiff has endured physical and emotional pain and suffering. It
13 is further expected that Plaintiff will be forced to endure future physical and emotional pain
14 associated with her continued medical treatment, recuperation, physical therapy and limitations
15 associated with her injuries into the foreseeable future.

16 15. That as a further direct and proximate result of the negligence, carelessness, and
17 recklessness of Defendants, Plaintiff has suffered and continues to suffer a significant
18 deterioration in her enjoyment of life and lifestyle.

19 16. That Plaintiff has had to retain the services of an attorney to prosecute this action
20 and is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

21 WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the
22 time of trial of the actions herein to include all items of damages not yet ascertained, demands
23 judgment against Defendants, and each of them, as follows:

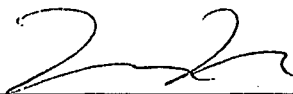
24 1. General damages in an amount in excess of \$15,000.00;
25
26
27
28

2. Damages for costs of medical care and treatment and costs incidental thereto, when the same have been fully ascertained;
3. Reasonable attorney's fees and costs of suit incurred herein;
4. For a sum to be determined by the trier of fact for loss of enjoyment of life pursuant to Banks v. Sunrise Hosp., 120 Nev. 822, 836 (2004); and
5. For such other and further relief as the Court may deem proper in the premises.

DATED this 22nd day of October, 2021.

MOSS BERG INJURY LAWYERS

By:


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